

JOURNAL OF THE EXECUTIVE PROCEEDINGS OF THE SENATE OF THE UNITED STATES.

[At a special session convened by the proclamation of the President of the United States, of the 14th day of June, 1858.]

TUESDAY, JUNE 15, 1858.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

To the Senate of the United States :

I nominate to the Senate all the persons for the respective offices for which I nominated them during the last session of the Senate, and which were not acted upon by the Senate previous to their final adjournment on yesterday.

JAMES BUCHANAN.

WASHINGTON CITY, 15 June, 1858.

To the Senate of the United States :

I nominate John F. Stockton, of New Jersey, to be minister resident of the United States at Rome, in place of Lewis Cass, jr., recalled at his own request.

JAMES BUCHANAN.

WASHINGTON, June —, 1858.

To the Senate of the United States:

I nominate Edward A. Turpin, of New York, to be minister resident of the United States at Venezuela, in place of Charles Eames, resigned.

JAMES BUCHANAN.

WASHINGTON, June 11, 1858.

To the Senate of the United States:

I nominate Joseph R. Chandler, of Pennsylvania, to be minister resident of the United States at Naples, in place of Robert Dale Owen, recalled at his own request.

JAMES BUCHANAN.

WASHINGTON, June —, 1858.

To the Senate of the United States:

I nominate Washington D. Miller, of Texas, to be consul of the United States at St. Paul de Loanda.

JAMES BUCHANAN.

WASHINGTON, June 15, 1858.

To the Senate of the United States:

I nominate Ira Munson, of California, to be register of the land office for the district of lands subject to sale at San Francisco, California, vice W. W. Gift, who was commissioned during the recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *May* 28, 1858.

To the Senate of the United States :

I nominate James Tilton, of Washington Territory, to be surveyor-general of Washington Territory, to take effect on the 31st day of July next, when his present commission will expire.

JAMES BUCHANAN.

WASHINGTON, *June* 15, 1858.

To the Senate of the United States :

I hereby nominate Mitchell Steever to be deputy postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin, in place of John R. Sharpstein.

JAMES BUCHANAN.

WASHINGTON, *June* 15, 1858.

To the Senate of the United States :

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States, as proposed by the Secretary of War.

JAMES BUCHANAN.

WASHINGTON, *June* 14, 1858.

WAR DEPARTMENT, *June* 14, 1858.

SIR : I have the honor to lay before you the following list of regular promotions in the Army of the United States.

PROMOTIONS.

Second Regiment of Dragoons.

Lieutenant-Colonel Philip H. G. Cooke to be colonel, June 14, 1858, vice Harney, appointed brigadier-general.

Major Marshall S. Howe to be lieutenant-colonel, June 14, 1858, vice Cooke, promoted.

Captain Lawrence P. Graham to be major, June 14, 1858, vice Howe, promoted.

First Lieutenant William D. Smith to be captain, June 4, 1858, vice Calhoun, deceased.

First Lieutenant Samuel H. Starr to be captain, June 14, 1858, vice Graham, promoted.

Second Lieutenant George A. Gordon to be first lieutenant, June 4, 1858, vice Smith, promoted.

Second Lieutenant John Mullins to be first lieutenant, June 14, 1858, vice Starr, promoted.

Brevet Second Lieutenant Thomas J. Berry to be second lieutenant, June 4, 1858, vice Gordon, promoted.

Brevet Second Lieutenant Charles J. Walker to be second lieutenant, June 14, 1858, vice Mullins, promoted.

I am, sir, with great respect, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of John B. Stockton, Edward A. Turpin, Joseph R. Chandler, Washington D. Miller, James Tilton, and Mitchell Steever; and

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Ordered, That the nomination of Ira Munson be referred to the Committee on Public Lands.

Ordered, That the nominations of P. St. G. Cooke and others be referred to the Committee on Military Affairs and the Militia.

Mr. Johnson, of Arkansas, from the Committee on Public Lands, to whom was this day referred the nomination of Ira Munson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Ira Munson, agreeably to the nomination.

Mr. Davis, from the Committee on Military Affairs and the Militia, to whom were this day referred the nominations of Philip St. G. Cooke, Marshall S. Howe, Lawrence P. Graham, William D. Smith, Samuel H. Starr, George A. Gordon, John Mullins, Thomas J. Berry, and Charles J. Walker, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Mason,

Ordered, That the additional article of the extradition convention between the United States and France of the 9th of November, 1843, and the additional article of the 24th of February, 1845, signed the 10th day of February, 1858; the treaty between the United States and the First and Second Kings of Siam, concluded at Bangkok, 29th May, 1856; the treaty of extradition between the United States and Belgium, concluded at Washington, 11th February, 1853, and the treaty between the United States and the Empire of Japan for the purpose of further regulating the intercourse of American citizens within the Empire of Japan, signed at Simoda the 17th June, 1857, be referred to the Committee on Foreign Relations.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, this day, the additional article to the extradition convention between the United States and France, of the 9th of November, 1843, and the additional article of the 24th of February, 1845, signed the 10th of February, 1858, reported with an amendment.

The said treaty was read the second time and considered as in Committee of the Whole, and the reported amendment was unanimously agreed to; no other amendment being made, the treaty was reported to the Senate and the amendment was unanimously agreed to.

Mr. Mason submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the additional article to the extradition convention between the United States and France,

of the 9th of November, 1843, and to the additional article of the 24th of February, 1845, signed the 10th day of February, 1858, with the following amendments:

After the word "money" strike out the words "embezzlement of the funds, money, or property of any company or corporation by a person in the employment thereof, or acting therefor in a fiduciary capacity, when such company or corporation shall have been legally established, and the legal punishment for their crimes is infamous" and insert *with intent to defraud any person or persons, embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when their crimes are subject to infamous punishment.*

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question, will the Senate agree thereto?

It was determined in the affirmative, { Yeas..... 26
Nays..... 10

Those who voted in the affirmative are,

Messrs. Allen, Bell, Benjamin, Bigler, Bright, Clay, Clingman, Crittenden, Fitch, Fitzpatrick, Foster, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Ark., Jones, Kennedy, Mason, Reid, Rice, Sew-Seward, Slidell, Toombs, Wright.

Those who voted in the negative are,

Messrs. Broderick, Davis, Doolittle, Douglas, Harlan, Polk, Pugh, Stuart, Trumbull, Wade.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, this day, the treaty between the United States and the First and Second Kings of Siam, concluded at Bangkok, the 29th May, 1856, reported without amendment.

The said treaty was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution; which was considered, by unanimous consent, and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States and the First and Second Kings of Siam, concluded at Bangkok, the 29th day of May, 1856, and that the ratifications of the treaty shall be exchanged, notwithstanding the time for the ratification thereof as stated in the treaty has expired.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, this day, the treaty of extradition between the United States and Belgium, concluded at Washington the 11th February, 1853, reported with amendments.

The said treaty was read the second time and considered as in Committee of the Whole, and the reported amendments were unanimously agreed to; no other amendment being made, the treaty was reported to the Senate and the amendments were unanimously agreed to.

Mr. Mason submitted the following resolution; which was considered, by unanimous consent, and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring), That the Sen-

ate advise and consent to the ratification of the treaty of extradition between the United States and Belgium, the 11th February, 1853, with the following amendments :

Article 11, paragraph 9: Strike out the words "theft and embezzlement of public or private funds or property" and insert *embezzlement by persons, hired or salaried, to the detriment of their employers, when their crimes are subject to infamous punishment.*

Article VI., at the end thereof, add : "*Nor shall the provisions in the first and second articles contained be construed to extend to any political offense or other act connected with such offense.*"

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, this day, the convention between the United States and the Empire of Japan for the purpose of further regulating the intercourse of American citizens within the Empire of Japan, signed at Simoda the 17th June, 1857, reported without amendment.

The said treaty was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution; which was considered, by unanimous consent, and unanimously agreed to :

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the United States and the Empire of Japan for the purpose of further regulating the intercourse of American citizens within the Empire of Japan, signed at Simoda the 17th June, 1857.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Ordered, That the nomination of James W. Mandeville be referred to the Committee on Public Lands.

Ordered, That the nomination of William P. Fain be referred to the Committee on the Judiciary.

Ordered, That the nomination of George L. Macmanus be referred to the Committee on Commerce.

Ordered, That the nomination of Henry B. Smith be referred to the Committee on Commerce.

Mr. Broderick, from the Committee on Public Lands, to whom was referred, this day, the nomination of George W. Mandeville, reported.

Mr. Benjamin, from the Committee on the Judiciary, to whom was referred, this day, the nomination of William P. Fain, reported.

On motion by Mr. Slidell,

The Senate adjourned until to-morrow, 12 o'clock m.

WEDNESDAY, JUNE 16, 1858.

On motion by Mr. Broderick that the Senate proceed to consider the nomination of James W. Mandeville,

It was determined in the affirmative, { Yeas 23
Nays 13

On motion by Mr. Stuart,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Bell, Benjamin, Bigler, Broderick, Crittenden, Davis, Douglas, Foster, Harlan, Houston, Hunter, Johnson of Tenn., Jones,

Kennedy, King, Pugh, Slidell, Stuart, Thompson of Ky., Toombs, Trumbull, Wade.

Those who voted in the negative are,

Messrs. Bright, Clingman, Fitch, Fitzpatrick, Gwin, Hammond, Hayne, Iverson, Mason, Polk, Reid, Wright, Yulee.

After debate,

On motion by Mr. Mason that the nomination of James W. Mandeville lie on the table,

It was determined in the affirmative, { Yeas 20
Nays 16

On motion by Mr. Benjamin,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Bright, Clingman, Davis, Fitch, Fitzpatrick, Gwin, Hammond, Hayne, Hunter, Iverson, Jones, Mason, Polk, Pugh, Reid, Sebastian, Slidell, Toombs, Wright, Yulee.

Those who voted in the negative are,

Messrs. Allen, Bell, Benjamin, Broderick, Clay, Crittenden, Foster, Harlan, Houston, Johnson of Tenn., Kennedy, King, Stuart, Thompson of Ky., Trumbull, Wade.

So it was

Ordered, That the nomination of James W. Mandeville lie on the table.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, January 12th, the treaty between the United States and chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Onilles Indians, who are consolidated a nation, signed 16th day of July, 1855, reported.

The Senate proceeded to consider the nomination of William P. Fain.

On the question, Will the Senate advise and consent to the appointment of William P. Fain?

It was determined in the affirmative, { Yeas 33
Nays 5

On motion by Mr. King,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Benjamin, Bigler, Bright, Broderick, Brown, Clay, Clingman, Crittenden, Davis, Douglas, Fitzpatrick, Gwin, Hammond, Hayne, Hunter, Fitch, Iverson, Johnson of Ark., Jones, Kennedy, Mason, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Stuart, Thompson of Ky., Toombs, Wright, Yulee.

Those who voted in the negative are,

Messrs. Foster, Harlan, Kennedy, Trumbull, Wade.

So it was

Resolved, That the Senate advise and consent to the appointment of William P. Fain, agreeably to the nomination.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 15th inst., the nominations of George L. Macmanus and Henry B. Smith, reported.

The Senate proceeded to consider the nomination of George L. Macmanus; and

On the question, Will the Senate advise and consent to the appointment of George L. Macmanus?

It was determined in the affirmative, { Yeas 26
Nays 11

On motion by Mr. Pugh,

The yeas and nays being desired by one fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Allen, Benjamin, Bigler, Brown, Clingman, Davis, Fitch, Fitzpatrick, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Ark., Johnson of Tenn., Jones, Kennedy, Mason, Polk, Rice, Sebastian, Thompson of Ky., Toombs, Trumbull, Wright, Yulee.

Those who voted in the negative are,

Messrs. Bright, Broderick, Clay, Douglas, Foster, Harlan, King, Pugh, Reid, Stuart, Wade.

So it was

Resolved, That the Senate advise and consent to the appointment of George L. Macmanus, agreeably to the nomination.

The Senate proceeded to consider the nomination of Henry B. Smith ;
and

On the question, Will the Senate advise and consent to the appointment of Henry B. Smith ?

It was determined in the affirmative.

So it was

Resolved, That the Senate advise and consent to the appointment of Henry B. Smith, agreeably to the nomination.

On motion by Mr. Sebastian,

That the Senate proceed to consider the treaty between the United States and the chiefs, headmen, and delegates of the Walla Wallas, Cayuses, and Umatilla tribes of Indians, occupying lands partly in Washington and partly in Oregon Territories, signed 9th day of June, 1855,

It was determined in the affirmative, { Yeas 22
Nays 15

On motion by Mr. Hunter,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Bell, Bigler, Bright, Brown, Davis, Douglas, Fitch, Gwin, Harlan, Houston, Iverson, Jones, Kennedy, Polk, Pugh, Reid, Rice, Sebastian, Stuart, Trumbull, Wade, Yulee.

Those who voted in the negative are,

Messrs. Allen, Benjamin, Broderick, Clay, Clingman, Fitzpatrick, Hammond, Hunter, Johnson of Ark., Johnson of Tenn., King, Mason, Slidell, Thompson of Ky., Wright.

The Senate proceeded to consider the said treaty, and it was read the second time and considered as in Committee of the Whole.

After debate,

On motion by Mr. Johnson of Ark. that the said treaty lie on the table,

It was determined in the negative, { Yeas 14
Nays 22

On motion by Mr. Johnson of Ark.,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Allen, Bell, Benjamin, Broderick, Clay, Clingman, Fitzpatrick, Hammond, Hunter, Johnson of Ark., Johnson of Tenn., King, Mason, Wright.

Those who voted in the negative are,

Messrs. Bigler, Bright, Brown, Crittenden, Davis, Douglas, Fitch, Gwin, Harlan, Hayne, Houston, Jones, Kennedy, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Thompson of Ky., Trumbull, Wade.

After further debate,

On motion by Mr. Sebastian,

Ordered, That the said treaty lie on the table.

On motion by Mr. Johnson of Ark.,

Ordered, That the vote of the Senate of June 4th, not to advise and consent to the ratification of the agreement and convention between the United States and the Yancton tribe of Sioux or Dacotah Indians, signed the 19th day of April, 1858, be reconsidered, and that the said treaty lie on the table.

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